IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 21083 of 2004**

Between:

Chintapudi Ramanamma W/o chenchuramaiah
R/o Kattuvapalli Village, Manubolu Mandal, Nellore Nellore District

**..... PETITIONER**

AND

1 The District Collector, Nellore Nellore District
2 The Revenue Divisional Officer, Gudur, Nellore district
3 The Mandal Revenue Officer, Manubolu Village & Mandal, Nellore District

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or a direction, one in the nature of Writ of Mandamus, declaring the action of the Respondents in evicting the petitioner from the land admeasuring Ac. 2.22 cents in Sy. NO. 217 situated at Kattuvapalli Village, Manubolu Mandal, Nellore District, without giving any opportunity and without conducting any enquiry, is arbitrary and unreasonable and violation of the principles of natural justice and consequently direct the respondents no to take any action in evicting the petitioner from the land admeasuring aC. 2.22 cents in Sy. No. 217, situated at Katttuvapal Village, Manubolu Mandal, Nellore District without following the procedure contemplated under the law

**Counsel for the Petitioner:MR.G.TUHIN KUMAR**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court, at the stage of admission, made the following :**

**ORDER**

The petitioner claims to be the owner of land to an extent of Ac.2.22 cents in Sy.No.217 of Kattuvapalli village, Manubolu Mandal, Nellore District and pattadar passbook was also said to be granted in her favour in respect of the said land. By the impugned notice dated 19.7.2004 the Mandal Revenue Officer-third respondent herein informed the petitioner that she had transferred the lands in question to third parties in violation of the rules made under the A.P. Assignment Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and called for the petitioner to submit her explanation within 15 days as to why she should not be evicted by resuming the possession of the land in question. Challenging the same, the present writ petition is filed.

It is contended by the learned counsel for the petitioner that the petitioner has neither violated any of the conditions nor transferred the land to third parties in violation of the conditions of the assignment. The question whether the petitioner has violated the conditions of assignment or not has to be gone into during the course of enquiry to be conducted by the third respondent, for which, impugned show-cause notice has already been issued. In these circumstances, the appropriate course for the petitioner is to submit her explanation to the said show-cause notice raising all the pleas urged in the writ petition and participate in the enquiry to be conducted by the third respondent. It is needless to mention that the respondent concerned has to consider the explanation of the petitioner, if any filed, and after affording reasonable opportunity of hearing, pass appropriate orders in accordance with law within a reasonable time.

Accordingly, the writ petition is dismissed with the above observation. No costs.

A. GOPAL REDDY. J.

18th November, 2004

tsr.

To

1 The District Collector, Nellore Nellore District
2 The Revenue Divisional Officer, Gudur, Nellore district
3 The Mandal Revenue Officer, Manubolu Village & Mandal, Nellore District

4. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

5. Two C.D. copies.